

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

OP.No. 3350 of 2000(W)

PETITIONER:

MARIYA AUGUSTINAL, AGED 76,
W/O. LATE KARUNAKARAN NADAR,
NELLIKKAKUZHI PAZHAYAVEEDU,
KANJIRAMKULAM.P.O.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS:

1. DIRECTOR, SURVEY AND LAND RECORDS,
THIRUVANANTHAPURAM.
2. A.L.C. SURVEY SUPERINTENDENT,
NEYYATTINKARA.
3. THAHASILDAR, THALUK OFFICE,
NEYYATTINKARA.
4. P.SAROJINI, W/O. LATE R.GOPALAN NADAR,
RAMANILAYAM, KANJIRAMKULAM.P.O.

BY ADV. SRI.P.SUKUMARAN NAYAR(SR.)
SRI.G.UNNIKRISHNAN
SRI.P.V.RAMESH SHANKAR
SRI.G.P.SHINOD
S,T.SMITHA, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP NO. 3350/2000

ORDER ON CMP NO. 5550/2000 IN OP NO3350/2000

DISMISSED.

21/03/2007

SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE JUDGMENT IN A.S.NO. 52/82.

P2 : COPY OF THE PROCEEDINGS OF FIRST RESPONDENT DATED 11/11/1999.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 3350 OF 2000

Dated this the 21st day of March, 2007

JUDGMENT

Heard counsel for the petitioner and counsel appearing for the fourth respondent. Petitioner and her sons challenge the right of petitioner's husband to gift 1.48 acres of land to petitioner's daughter out of which 1.25 acres were sold to the husband of the fourth respondent. It is conceded by parties that civil suit pertaining to the dispute ended up in Supreme Court in favour of the fourth respondent. Even though the dispute in this O.P. is against authority of the Director of Survey in effecting sub-division of the property between the petitioner and fourth respondent, if it is consistent with the final decree, then there is no scope for interference at all. However, if there is any variation in the survey records different from the final decree passed by court, it is for either party to point out the mistake before the survey authorities so that survey records will be corrected to make it consistent with the civil court decree. If any application is filed before the third respondent, the same will be disposed of as observed above.

O.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge.